

UNITED STATES DISTRICT COURT

MIDDLE District of ALABAMA

UNITED STATES OF AMERICA

v.

Judgment in a Criminal Case

(For Revocation of Probation or Supervised Release)

KENNETH GUNN

Case No. 2:06cr217-001-WKW

(WO)

USM No. 12041-002

Aylia McKee

Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) 1-5 of the Petition filed on 5/18/2009 of the term of supervision.

☐ was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

| <u>Violation Number</u> | <u>Nature of Violation</u> | <u>Violation Ended</u> |
|-------------------------|---|------------------------|
| 1 | Defendant shall refrain from any unlawful use of a controlled substance. | May 14, 2009 |
| 2 | Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month. | May 15, 2009 |
| 3 | Defendant failed to work regularly at a lawful occupation. | May 14, 2009 |
| 4 | Defendant did not notify the probation officer at least ten days prior to change in residence or employment. | May 14, 2009 |

(Continued on page 2)

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 7205

Defendant's Year of Birth: 1966

City and State of Defendant's Residence:
Montgomery, Alabama

June 1, 2009

Date of Imposition of Judgment

W. Keith Watkins

Signature of Judge

W. KEITH WATKINS, U. S. DISTRICT JUDGE

Name and Title of Judge

6.5.09

Date

AO 245D (Rev. 12/07) Judgment in a Criminal Case for Revocations
Sheet 1A

Judgment—Page 2 of 5

DEFENDANT: KENNETH GUNN
CASE NUMBER: 2:06cr217-001-WKW

ADDITIONAL VIOLATIONS

Violation Number
5

Nature of Violation
Defendant has failed to pay restitution in accordance with the Schedule of
Payments sheet of the judgment.

**Violation
Concluded**
May 14, 2009

AO 245D (Rev. 12/07) Judgment in a Criminal Case for Revocations
Sheet 2— Imprisonment

Judgment — Page 3 of 5

DEFENDANT: KENNETH GUNN
CASE NUMBER: 2:06cr217-001-WKW

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

10 Months. The term of supervised release imposed on March 20, 2007 is revoked.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KENNETH GUNN
CASE NUMBER: 2:06cr217-001-WKW

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments set forth on Sheet 6.

| | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
|--------|-------------------|-------------|--------------------|
| TOTALS | \$ | \$ | \$ 18,224.86 (*) |

(*) Restitution imposed at original sentencing on 3/27/2007

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☒ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Total Loss*</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|--|--------------------|----------------------------|-------------------------------|
| Gulfstream Express 631 Buckner Road Columbia, SC 29203 | | \$18,224.86 | |

| | | |
|--------|-------------|--------------------|
| TOTALS | \$ <u>0</u> | \$ <u>18224.86</u> |
|--------|-------------|--------------------|

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution or a fine more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: KENNETH GUNN
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Balance of 17,924.86 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below); or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay.
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Criminal monetary payments shall be made payable to the Clerk, U.S. District Court, Middle District of Alabama, P.O. Box 711, Montgomery, AL 36101.

Any balance of restitution remaining upon release from prison, shall be paid in monthly installments of not less than \$100 to commence within 30 days of release.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

X Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount and corresponding payee, if appropriate.

| Defendant | Case Number | Total Amount | Joint/Several Amount | Payee |
|---------------|-----------------------|--------------|----------------------|------------|
| Kenneth Gunn | (*) 2:06cr217-001-WKW | \$18,224.86 | \$18,224.86 | Gulfstream |
| Corey Gardner | (*) 2:06cr217-002-WKW | \$18,224.86 | \$18,224.86 | Gulfstream |
| Philip Foy | (*) 2:06cr219-001-WKW | \$18,224.86 | \$18,224.86 | Gulfstream |

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.